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SUBJECT: FOREIGN MINISTER ENGAGES DONOR AMBASSADORS ON HUMAN RIGHTS

REFS: A) HANOI 1993; B) HANOI 2005; C) HCMC 1065

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11. (SBU) Summary: In a November 28 meeting, ambassadors from key donor countries engaged Deputy Prime Minister/Foreign Minister Pham Gia Khiem in an exchange on human rights issues. Discussion at the event, hosted by DPM Khiem, focused largely on the recent appellate hearing of two human rights lawyers (Ref A) and other recent arrests. Khiem called for continued "dialogue" on human rights issues, welcomed cooperation in addressing governance and corruption issues, pledged further progress on religious freedom and encouraged more diplomatic travel to the provinces. He also shared information on the ASEAN Charter and the recent trip to Vietnam by UN Burma Envoy Gambari (Ref B). End summary.

12. (SBU) On November 28 Deputy Prime Minister/Foreign Minister Pham Gia Khiem hosted a lunch for ambassadors from donor countries billed as a "pre-Consultative Group" exchange (ahead of the annual Consultative Group meeting to be held December 6-7 in Hanoi). The event, by design, provided a forum for a dialogue with the GVN on human rights, governance, rule of law and related issues.

13. (SBU) After brief opening remarks by DPM/FM Khiem in which he simply said he wanted to hear views and questions, UK Ambassador Robert Gordon led off. He thanked DPM/FM Khiem for continuing the tradition, started last summer in Ha Long Bay, of an informal lunch with the Consultative Group Ambassadors to discuss "sensitive issues" like human rights. Ambassador Gordon said the recent appellate hearing of human rights lawyers Nguyen Van Dai and Le Thi Cong Nhan (Ref A) was a real improvement over their lower court trial. The defense lawyers were able to make many important points, an indication that, in some ways, Vietnam is opening up.

Ambassadors Express Concern about Human Rights  
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14. (SBU) Ambassador Gordon went on to say, however, that his government was still unhappy about the arrest of persons for peacefully expressing their political views and called for the release of the lawyers. He asked the GVN to review its policy restricting the peaceful expression of political views with an eye towards allowing free expression. He ended by acknowledging the GVN's cooperation during the recent visit by the U.S. Commission on International Religious Freedom (USCIRF) and said that, although his was a mixed review with some good and some bad points, there did seem to be some progress being made.

15. (SBU) Swedish Ambassador Rolf Bergman then mentioned that he was hearing from many people in Sweden concerned about the recent arrests of political activists; in fact his Minister for Development had called him that morning for a report on the recent arrests and on the appellate trial of the two lawyers Dai and Nhan. Ambassador Bergman also had positive things to say about the ability of defense lawyers to state their case during the appellate hearing, but requested that the lawyers be freed immediately, adding that all political activists should be freed.

16. (SBU) Ambassador Michalak supported these points, underscoring the USG stand on freedom of expression, saying that there was also great interest in the United States about the fate of Dai and Nhan. He noted there is legislation pending in Congress on human rights in Vietnam. He also acknowledged that the defense lawyers for Dai and Nhan were allowed to express their views freely, and echoed their criticism of Article 88, a vague provision which prohibits speaking out against the State, pointing out that many in the GVN were also calling for an elimination or updating of that article. Ambassador Michalak noted that we were asking for consular access to the Americans in detention and again called for their immediate release.

17. (SBU) Ambassador Michalak then turned to Vietnamese statements promising reform in the areas of general concepts aspects of good governance, transparency and anti-corruption. He expressed U.S. interest in aiding the GVN in addressing these issues, noting that they have important economic implications and would help make Vietnam a more open society.

#### DPM/FM Khiem's Response on Human Rights

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18. (SBU) DPM/FM Khiem responded saying that anti-corruption efforts and human rights were issues that would likely be with us for some

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time. The most important thing, he continued, was to continue having a dialogue on these issues. Khiem spent some time documenting some of the positive things that the GVN had done in Human rights and religious freedom, noting that over the past six months, the GVN had held human rights dialogues at the vice minister level with the United States, the European Union, Norway, Australia and Sweden.

19. (SBU) Last year was a very good year for visits of diplomatic staff to meet with church groups, religious leaders and other community leaders in many provinces, including one province that had over a hundred visits, Khiem said. He noted that the amnesty programs had released 8,000 prisoners in the September amnesty and 700 prisoners during the Tet amnesty; of these, there were 13 foreigners and many released in both amnesties had been incarcerated for having committed national security crimes against the GVN.

110. (SBU) Khiem added that the GVN would continue to build upon the progress made in the area of religious freedom; to date hundreds of religious groups had been licensed, 14,000 pagodas built, 500 evangelical churches, 600 non-evangelical churches, and 1,000 Cao Dai places of worship. He also noted that Vietnam would host an international Buddhist meeting in 2008 that would be attended by 5,000 believers. The GVN's relations with the Vatican were improving, including a visit by Prime Minister Nguyen Tan Dung with the Pope in January. Khiem said he wanted to continue the dialogue and to hear how the GVN could improve on these accomplishments.

#### Further Progress Needed

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111. (SBU) Ambassador Michalak reminded Khiem that there were still hundreds of house churches waiting for GVN approval, mostly in the Northwest provinces, and urged that the GVN look at speeding up the process for these approvals. Dutch Ambassador Andre Haspels held there was a need for progress in political reform to match the progress in economic reform. He noted that the Law on Associations had gone through multiple drafts and still had not been passed. The

law was intended to promote NGO's and the formation of a civil society and was sorely needed.

¶12. (SBU) Canadian Ambassador Gabriel Lessard noted the arrests of activists before and after APEC as well as recently and called for the release of such detainees. He noted that Canada makes a distinction between political rights and religious rights and acknowledged some progress on religious rights in Vietnam. He said that Article 88 was "creating stars" since without it many of the activists that were getting headlines for being arrested would be obscure lawyers. He urged the GVN to make its legal system compatible with Vietnam's obligations under international conventions and treaties to which it was a signatory.

¶13. (SBU) Swiss Ambassador Jean-Hubert Lebet said they had a good human rights dialogue with the GVN, tough but frank and open and conducted in an atmosphere of mutual respect. He thanked the GVN for their help in arranging a recent trip by the so-called G-4 (Switzerland, New Zealand, Canada and Norway) to the Central Highlands and urged that the GVN continue to let people visit all provinces to see the reality on the ground. There has been progress in religious freedom, but the situation varies greatly from province to province. Rule of Law and Judicial reform are crucial to the further development of Vietnam, he said. The current system does not work and legal reform needs to be moved up in priority.

#### ASEAN Charter/UN Envoy on Burma

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¶14. (SBU) The Dutch Ambassador congratulated the DPM on signing the ASEAN charter and noted that there were two articles in it concerned with human rights. Khiem said that the Charter was a landmark and went through some of the mechanics, e.g., "three pillars," a committee to oversee each pillar and a human rights committee. The Charter is to be ratified within one year, with Terms of Reference for the human rights committee to be worked out simultaneously with the ratification process so that the whole mechanism would be ready to go at the end of 2008.

¶15. (SBU) When asked about the recent visit to Vietnam of UN Special Envoy on Burma Ibrahim Gambari (Ref B), the DPM said the GVN received a briefing on the state of UN-Burma cooperation and that Gambari sought the views of the GVN. The GVN had already recommended to Burma that they take concrete steps to implement the

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seven point roadmap to democracy; that they release all protesters and that they conduct a dialogue among all parties including ASSK. Khiem said the GVN told Burma that it should cooperate with Gambari, ASEAN and others to come to a resolution of current issues.

#### Importance of Diplomatic Access to the Provinces

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¶15. (SBU) DPM/FM Khiem reiterated his welcome to diplomats to "see for themselves" by traveling to the provinces. He said the GVN wished to make such trips more open and productive. Khiem's guests took him up on his offer to hear of any problems in this regard. The UK Ambassador responded that, in Dien Bien Phu, his Political Counselor had been denied permission for some visits. Ambassador Michalak added that we had protested a very unusual case of harassment of our consular officers by the GVN and told the DPM he could get the details of the unpleasant and potentially dangerous incident from his staff (Ref C).

¶17. (SBU) Norwegian Ambassador Kjell Magne Storlokkens said he and his colleagues from the UK and Switzerland were denied permission to go to the Delta to investigate Khmer issues. He noted that, if embassies are not allowed to gather information for themselves, they would have to rely on "other sources" such as NGOs that had their own agendas. The DPM looked a little nonplussed by the number of responses to his supposedly innocent question and said that these were probably "technical issues."

¶18. (SBU) The lunch ended with expressions of mutual appreciation for the open exchange and pledges to keep up the dialogue. The full

Consultative Group meeting will be held December 6-7 in Hanoi.

MICHALAK